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5 **IN THE UNITED STATES DISTRICT COURT**
6 **FOR THE EASTERN DISTRICT OF WASHINGTON**

7 ALLAH,

Plaintiff,

NO: 2:15-cv-05077-SAB

8 v.

9 BRUCE A. SPANNER, JOHN
10 POYNOR, STEVEN SULTEMEIER,
11 DONALD R. HOLBROOK, and
BERNARD WARNER,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION, DENYING
APPLICATION TO PROCEED *IN*
FORMA PAUPERIS, DISMISSING
ACTION AND DENYING PENDING
MOTIONS**

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14 Magistrate Judge Hutton filed a Report and Recommendation, ECF No. 14,
15 on October 5, 2015, recommending that Plaintiff's Application to Proceed *in forma*
16 *pauperis* be denied with leave to renew. Plaintiff had not paid the \$400.00 fee
17 (\$350.00 filing fee, plus \$50.00 administrative fee) to commence this action, and he
18 did not present a completed Declaration and Application to Proceed *in forma*
19 *pauperis* in which he consented to the collection of fees from his inmate trust

20 **ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING
APPLICATION TO PROCEED *IN FORMA PAUPERIS*, DISMISSING ACTION
AND DENYING PENDING MOTIONS -- 1**

1 account under 28 U.S.C. § 1915(b). A promissory note will not satisfy the filing fee
2 requirement.

3 Plaintiff filed a “Response,” consisting of 51 pages, on October 13, 2015,
4 ECF No. 15. He filed a Supplemental Response, consisting of 84 pages on October
5 23, 2015, ECF No. 16. He submitted a “Motion to Waive Filing Fee” on October
6 23, 2015, ECF No. 17, and a Notice of Tort Claim, consisting of 274 pages on
7 October 27, 2015, ECF No. 18. The Court notes that many of the documents
8 presented are duplicative. Furthermore, they do not comply with the directive that
9 Plaintiff either pay the filing fee to commence this action under 28 U.S.C.
10 § 1914(a), or submit an approved declaration and application to proceed *in forma*
11 *pauperis*, along with an acknowledgment and authorization to collect the filing fee
12 from his inmate account under 28 U.S.C. § 1915(b).

13 The Court will not entertain Plaintiff’s theories regarding his name or his
14 status as a prisoner. These issues have been raised and addressed in prior
15 proceedings in this District, including a criminal prosecution before the Honorable
16 Ancer L. Haggerty, Senior District Court Judge, 2:13-cv-00112-ALH, affirmed on
17 appeal, cause number 14-30129. According to Plaintiff’s documents, his name was
18 changed to “Allah” on November 1, 1999. ECF No. 15 at 22 and ECF No. 18-5 at
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1 215 of 274. He also presents a document titled "Certificate of Live Birth,"
2 indicating his name is "ALLAH." ECF No. 18-5 at 238 of 274.

3 Plaintiff is currently incarcerated at the Washington State Penitentiary from
4 whence he has electronically filed documents. It appears that Plaintiff is correct
5 that the complaint, ECF No. 1, was not filed electronically. This is a minor detail
6 which does not affect the substance of the Report and Recommendation. Plaintiff is
7 not represented by counsel.

8 The Court will not entertain Plaintiff's arguments regarding the gold standard
9 and the inability to lawfully pay a debt, or arguments based on the Uniform
10 Commercial Code. To the extent Plaintiff inquires who paid the filing fee to
11 commence another action, cause number 4:14-cv-05083-SAB, he should direct his
12 inquiry to Attorney Nick Straley with Columbia Legal Services who filed the
13 initiating documents in that action on August 2, 2014.

14 Having reviewed the file and being fully informed, **IT IS ORDERED** the
15 Report and Recommendation to deny leave to proceed *in forma pauperis*, ECF No.
16 14, is **ADOPTED in its entirety. IT IS FURTHER ORDERED** that this action is
17 **DISMISSED without prejudice** for failure to pay the filing fee as required by 28
18 U.S.C. § 1914(a). All pending motions are **DENIED as moot**.

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ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING
APPLICATION TO PROCEED *IN FORMA PAUPERIS*, DISMISSING ACTION
AND DENYING PENDING MOTIONS -- 3

1 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
2 enter judgment, forward a copy to Plaintiff, and close the file. Plaintiff shall file no
3 further documents in this action, except in furtherance of an appeal. This Court
4 certifies that any appeal of this dismissal would not be taken in good faith.

5 **DATED** this 16th day of November, 2015.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal blue line.

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Stanley A. Bastian
United States District Judge